

Election Procedures Review
Of
Stevens County
State of Washington
2006 General Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. They also added a requirement for the Program to conduct a follow-up visit to verify the county has taken the steps they listed to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Stevens County during the 2006 General Election cycle. Kay Ramsay, Election Program Specialist, represented the Election Certification and Training Program during the review. Tim Gray, Stevens County Auditor, Beverly Lamm and other members of the staff participated on behalf of the Stevens County Auditor's Office.

Stevens County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Stevens County Auditor's Office approached the review in a spirit of cooperation. The State commends the Stevens County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Stevens County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Stevens County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, and canvassing. The County Auditor or election staff verbally explained some tasks the reviewer was unable to observe, and the reviewer relied on written procedures for some tasks.

Stevens County has excellent election procedures. The staff is knowledgeable and dedicated. It was apparent to the reviewer that a large part of their success is due to their ability to work as a team. They have a very good understanding of the requirements and pay great attention to detail. The reviewer was impressed with their commitment to the integrity of the election process. The elections staff is dedicated and conscientious.

The Election Department's procedures for ballot tracking and reconciliation procedures were excellent. The County voted all by mail for this General Election. The Auditor's Office thoroughly reconciled the mail ballots every day and diligently investigated and resolved any discrepancies.

The Election Department's ballot security procedures were very good. Locking cabinets had recently been installed and the Auditor's Office employed the use of numbered seals and seal logs in all aspects of the election process.

The Canvassing Board for Stevens County was very involved in the process of resolving ballots that had been identified as needing resolution on the digital scan vote tallying equipment. The reviewer was impressed with this involvement and dedication to the process.

The following recommendations should improve and enhance Stevens County's already excellent election policies and procedures.

Recommendations

The following recommendations indicate areas where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Precinct Boundaries

Meyers Falls 2 Precinct consists of two completely separate pieces. There are also several precincts which follow section, township, and range lines rather than visible features.

RCW 29A.16.050 requires:

“(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) ... changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau.”

Recommendation: Meyers Falls 2 precinct boundaries must be corrected as soon as possible. This may require creating a new precinct for one of the separate areas. Visible features or census lines should be used to draw the precinct boundary lines. When other precincts have boundary changes, Stevens County should make sure that the precinct boundaries follow visible features.

Ballot Titles for Local Measures

When a resolution is submitted by a local government jurisdiction, other than a city or town, the County Auditor correctly requests the County Prosecuting Attorney to write a ballot title. Requests to approve ballot titles for cities or towns are also submitted to the County Prosecuting Attorney.

RCW 29A.36.071(1) states, “If the local governmental unit is a city or town, the concise statement shall be prepared by the city or town attorney.”

Recommendations: Ballot titles for resolutions from cities and towns must be prepared by the city or town attorney.

Provisional Ballots

On election night, a voter came into the Auditor's Office and said that he had not received a ballot for the election and wanted to vote. Election staff checked the Voter Registration Database, but could not find the voter's name. The voter was told that he was not currently registered and could not vote at that time, but could register for the next election.

RCW 29A.44.207 requires, “Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008.”

RCW 29A.04.008 states:

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“(5) ‘Provisional ballot’ means a ballot issued at the polling place on election day by the precinct election board to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the Help America Vote Act, including but not limited to the following:

- (a) The voter's name does not appear in the poll book;*
- (b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;*
- (c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;*
- (d) Any other reason allowed by law;....”*

Recommendation: A voter must always be offered a provisional ballot if there are any questions regarding the person’s eligibility to vote. The disposition of provisional ballots should be decided by the Canvassing Board.

Disability Access Unit

The Stevens County Auditor’s Office had one disability access unit in the office, which was used by several voters. The unit’s screen was visible to anyone entering the Auditor’s Office, allowing others to see the voter’s ballot.

RCW 29A.44.060 states, “The county auditor shall provide in each polling place a sufficient number of voting booths or voting devices along with any supplies necessary to enable the voter to mark or register his or her choices on the ballot and within which the voters may cast their votes in secrecy.”

Recommendation: In spite of limited office space, the disability access unit must be relocated to ensure that the unit is accessible and still provides secrecy in voting.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Written Procedures

Stevens County has developed a very comprehensive procedures manual. However, it did contain some information that was out of date. For example, RCW 29 is the reference for some procedures. RCW Title 29 was recodified to RCW 29A in 2003.

Suggestion: A procedures manual should be written in a format that will allow the manual to be utilized by any person new to performing a task. The manual is not only important to new people performing a task, but there are many tasks in elections that are performed infrequently. By removing any out of date information, the manual will be more useful and will provide consistency and document the Department's compliance with election laws.

The manual should include policies and procedures for all aspects of administering elections, as well as be in a step-by-step order for administering an election.

Conclusion

Overall, Stevens County's elections procedures were very good. The staff is knowledgeable and experienced. In addition to the regular responsibilities, they strive to provide extra service and outreach for their voters.

The Elections Department does an excellent job accounting for and reconciling the ballots in their possession. The Stevens County Auditor's Office is very conscientious in the handling of ballots and works with the political parties to have party representatives involved in the processing of ballots.

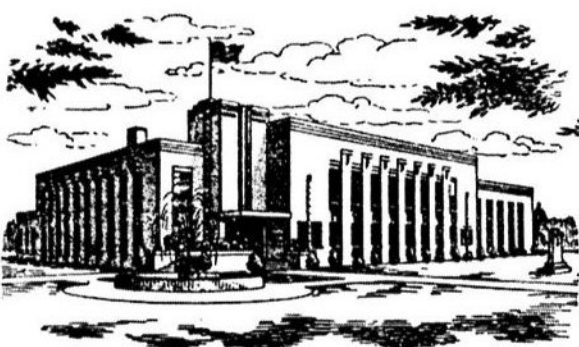
Some of the recommendations in this report require relatively minor changes in the county's election procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The reviewer has made a series of recommendations and suggestions for consideration by the Stevens County Auditor and the Canvassing Board. These are meant to enhance and improve the County's election procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Stevens County Canvassing Board in February 2007. In accordance with WAC 434-260-145, we provided Stevens County 10 days to respond, in writing, to recommendations listed in the draft report.

The Stevens County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



County of Stevens

State of Washington

Office of County Auditor

TIM GRAY, County Auditor

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Colville, Washington 99114
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March 2, 2007

Kay Ramsey
Election Program Specialist
Office of the Secretary of State
PO Box 40232
Olympia, WA 98504

RE: Response to Election Procedures Review of 2006 General Election

Dear Ms. Ramsey:

We have read your report and recommendations concerning our election process and would offer the following response to your recommendations:

Precinct Boundary for Meyers Falls 2 – We will redraw the lines of Meyers Falls 1 and 2 Precincts to a more contiguous and compact area.

Ballot Titles for Local Measures from Cities and Towns – We understand that they will be prepared by the presenting City or Town attorney. We do not recall any such measure being presented during my tenure in office.

Provisional Ballot not offered – We fully understand the requirement to offer a provisional ballot to anyone wishing to vote. The election night incident mentioned in the report was a non-registered voter that the election clerk was familiar with and had dealt with on previous elections. However, the clerk has been trained to always, without question, offer a provisional ballot to anyone wishing to vote. We did offer provisional ballots to potential voters.

Disability Access Unit location – We understand the privacy concern and will find a more suitable location.

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Written Procedures updating – We will improve our information and format.

Thank you for your overall comments and conclusions. We will work hard to make the recommended corrections. We appreciate your dedication to making elections fair, open and secure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Gray', with a stylized flourish at the end.

Tim Gray
Stevens County Auditor

Review Report Prepared by:

Kay Ramsay
Elections Program Specialist
Office of the Secretary of State

A handwritten signature in black ink that reads "Kay Ramsay". The signature is written in a cursive style with a long, sweeping flourish at the end.

Date: March, 2007

Signature